IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

TUESDAY, THE 30TH OCTOBER 2007 / 8TH KARTHIKA 1929

WP(C).No. 29690 of 2007(H)

PETITIONER:

ABDUL RAHMAN, AGED 47, S/O. ABDULLA MUSLIAR, KONGASSERY HOUSE, VALLAPUZHA, PALAKKAD DISTRICT.

BY ADV. SRI.K.I.ABDUL RASHEED

RESPONDENTS:
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1. VALLAPUZHA GRAMA PANCHAYATH, REP. BY ITS SECRETARY.

2. A.MOHAMMED ALIF, PRESIDENT, VALLAPUZHA GRAMA PANCHAYATH, VALLAPUZHA.

3. DEPUTY DIRECTOR OF PANCHAYATH, PALAKKAD.

4. STATE OF KERALA, REP. BY THE SECRETARY, VIGILANCE DEPT., GOVT. SECRETARIAT, THIRUVANANTHAPURAM.

ADDITIONAL RESPONDENT

5. K.MEENAKSHIKUTTY SECRETARY OF VALLAPUZHA GRAMA PANCHAYATH

Additional R4 is impleaded suo motu vide order dtd. 5/10/07 .

BY ADV. SRI.JACOB SEBASTIAN FOR R1, R2
ADV.SMT.RAJI.T.BHASKER FOR R5
GOVT. PLEADER SMT. ANU SIVARAMAN FOR R3, R4

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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W.P.(c).No.29690 OF 2007

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Dated this the 30th day of October , 2007

JUDGMENT

Petitioner has approached this court on the following brief allegations:

Petitioner is an elected member of the first respondent Panchayat. The second respondent assumed charge as the president of the Panchayat. There are wide spread allegations about malpractice and corruption and misutilisation of funds belonging to the Panchayat. Ext.P1 is an audit report. It is the case of the petitioner that there is no proper maintenance of accounts and there is no norms for spending the amount as travelling allowance by the president or vice-president. It is stated that for a long period there was no permanent incumbent in the post of Secretary of the Grama Panchayat. Second respondent is very adamant to see that no person is appointed to the post of Secretary in the Grama Panchayat, it is stated. It is stated that the second respondent was very particular to see that the charge of the Secretary does not pass on to any other persons

except Jacob. Later on the matter brought to the notice of the Ombudsman who directed posting of Secretary and K. Meenakshikutty was appointed as the Secretary. She found various anomalies and malpractices in the conduct of the administration of the Panchayat and in fact on the basis of her report, by Ext.P2 two employees came to be suspended. While so, Ext.P3 notice is issued by the second respondent calling for ordinary meeting of the Panchayat. It is the petitioners case that under Section 182(1) of the Panchayat Raj Act it is the duty of the Secretary to attend the meeting, record his views and each item of agenda is to be placed before the Panchayat with specific remarks of the Secretary. Case of the petitioner is that the second respondent has no authority to convene the meeting of the Panchayat committee by issuing Ext.P3 notice.

2. Petitioner has submitted Ext.P4 complaint before the fourth respondent. Petitioner seeks a direction to the fourth respondent to take action on Ext.P4. A further direction is sought to the respondents 1 and 2 not to convene any meeting of the Panchayat committee and take any decision pursuant to Ext.P3 notice issued by the second respondent.

Today, when the matter came up, it is submitted by the

counsel appearing for respondents 1 and 2 that a meeting will be convened by the Secretary. The fifth respondent at whose reporting Ext.P2 was passed has now been transferred, submits the learned counsel appearing for the fifth respondent. In the light of the submission made on behalf of respondents 1 and 2 that a meeting will be convened by the Secretary, I feel that the apprehension of the petitioner stands allayed. Accordingly, the writ petition is disposed of recording the submission of the counsel appearing on behalf of respondents 1 and 2. It is further directed that the meeting pursuant to Ext.P3 cannot be convened.

(K.M.JOSEPH, JUDGE)

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